IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 18790 of 2006(J)

PETITIONER:

JAFFER K., S/O. MAMMU,
AGED 36, PROPRIETOR, J.F.C. FRUITS CENTRE,
TALIPARAMBA, KANNUR DIST.

BY ADV. SRI.P.NARAYANAN

RESPONDENTS:
----

1. THE DISTRICT LABOUR OFFICER, KANNUR.

2. THE CHAIRMAN,
LOCAL COMMITTEE FOR KERALA HEAD LOAD WORKERS
WELFARE FUND BOARD, CIVIL STATION, KANNUR.

3. C. ABDUL RAZAK, S/O. MAMMU,
CHULLIYODAN, STU MEMBER, TALIPARAMBA MARKET,
THALIPARAMBA.

4. PARAPURATH ISMAYIL, S/O. MOIDEEN,
STU MEMBER, TALIPARAMBA MARKET, THALIPARAMBA.

5. CHERUKUNNONTAKATH ASHRAF, S/O.MAMMU,
STU MEMBER, TALIPARAMBA MARKET, THALIPARAMBA.

6. PARAPURATH ASHRAF, S/O. MOIDEEN,
STU MEMBER, TALIPARAMBA MARKET, THALIPARAMBA.

7. K.P. ASEEN, S/O. HAMSA,
STU MEMBER, TALIPARAMBA MARKET, THALIPARAMBA.

8. K. ISMAYIL, S/O. MUHAMMED,
STU MEMBER, THALIPARAMBA MARKET, THALIPARAMBA.

BY ADV. SRI.BABU KARUKAPPADATH, SC,KHLWWB
SRI.O.V.MANIPRASAD
SRI.KOSHY GEORGE, SC, KHLWWB
GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 18790/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER NO.55/05 DT.27.12.05 PASSED BY THE ALO.

EXT.P2:- COPY OF THE JUDGMENT IN WPC. 15799/06.

EXT.P3:- COPY OF THE NOTICE DT. 21.6.06 ISSUED BY THE 1ST RESPONDENT.

EXT.P4:- COPY OF THE COPY APPLICATION DT. 26.6.06 FILED BY THE PETITIONER'S COUNSEL.

EXT.P5:- COPY OF THE AFFIDAVIT AND THE PETITION PRAYING FOR THE DECISION ON MAINTAINABILITY.

EXT.P6:- COPY OF THE AFFIDAVIT AND THE PETITION PRAYING FOR PERMISSION FOR CROSS EXAMINATION.

EXT.P7:- COPY OF THE AFFIDAVIT AND THE PETITION REQUESTING TO ISSUED CERTIFIED COPY OF THE DOCUMENTS.

EXT.P8:- COPY OF THE NOTICE DT. 30.6.06 ISSUED BY THE 1ST RESPONDENT.

EXT/P9:- COPY OF THE ORDER NO.G3/1941/06 DT. 19.7.06 PASSED BY THE 1ST RESPONDENT.

EXT.P10:- COPY OF THE POSTAL COVER .

RESPONDENTS EXHIBITS

EXT.R2(a):- COPY OF THE MUSTER ROLL OF POOL NO. A3 FOR THE PERIOD FROM NOVEMBER 2005 TO JUNE 2006.

EXT.R2(b):- COPY OF THE SOME OF THE WORK CARD OF A3 POOL INDICATING THE WORK DONE FOR THE PETITIONER.

EXT.R3(a):- COPY OF THE JUDGMENT DT. 11.8.05 IN WPC 19660/05.

EXT.R3(b):- COPY OF THE PAYMENTS SLIPS ISSUED FROM VIJAYA BANK, TALIPARAMB BRANCH SHOWING THE PAYMENT OF WAGES TILL 16.6.06.

EXT.R3(c):- COPY OF THE APPEAL FILED BY RESPONDENTS 3 TO 8 BEFORE THE 1ST RESPONDENT.

EXT.R3(d):- COPY OF THE AFFIDAVIT IN SUPPORT OF THE APPLICATION TO CONDONE THE DELAY IF ANY OCCURRED IN FILING THE EXT.R3 (c) APPEAL

EXT.R3(e):- COPY OF THE COUNTER AFFIDAVIT FILED BY THE PETITIONER ON 29.6.06 BEFORE THE 1ST RESPONDENT.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.18790 OF 2006

Dated this the 14th day of August, 2007

JUDGMENT

Having heard learned counsel for the petitioner and the counsel for the contesting respondents, as also the standing counsel for the second respondent, this writ petition is allowed partly, quashing Ext.P9, which has been issued without adequate opportunity of being heard. Following this, the first respondent, District Labour Officer, will provide the petitioner an opportunity to cross examine the witnesses and place such further materials as he may deem fit. Such opportunity shall not extend to indefinitely drag on the proceedings since such proceedings under the statute are required to be finalised without delay. The District Labour Officer shall finally dispose of the mater as expeditiously as possible, at any rate, within an outer limit of three months from the date of receipt of a copy of this judgment.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.